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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,921	11/09/2000	Rick Allen Hamilton II	AUS9-2000-0561-US1	5545

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EXAMINER	
DUONG, THOMAS	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,921	HAMILTON ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-10, 12-20, and 22-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-10, 12-20, and 22-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on September 16, 2005. *Claims 2-10, 12-20, and 22-33* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. *Claims 2-10, 12-20, and 22-33* are rejected under 35 U.S.C. 103(a) as being unpatentable over Neches et al. (US004925311) and in view of Blumenau (US006018779A).

4. With regard to *claims 2, 12, and 22*, Neches discloses,

   - *selecting said plurality of commands from the environment which executes commands concurrently;* (Neches, col.3, line 36 – col.4, line 40)

     Neches teaches of *"systems and methods in accordance with the invention [to] carry out each of a number of tasks by establishing arbitrary subset groupings or partitions within a number of parallel processors"* (Neches, col.3, lines 36-39).

Hence, Neches teaches of an environment that executes a subset of a plurality of tasks or commands concurrently.

- *scheduling execution of said selected plurality of commands in a programming order, said scheduling step comprising:* (Neches, col.8, line 36 – col.9, line 21)
  - *beginning processing of said first process;* (Neches, col.8, line 36 – col.9, line 21)

    Neches teaches of *"the AMP should to Begin Transaction (BT) processing. The message may (and typically does) indicate other processing that should be performed by the AMP after successfully completing Begin Transaction processing"* (Neches, col.8, lines 42-46) and *"commences processing the subtask"* (Neches, col.8, line 59). Hence, Neches teaches of processing the subtask, which includes a subset of tasks or commands.
  - *executing said first one of said plurality of commands in response to said beginning processing of said first process, wherein said first one of said plurality of commands executes only while said first process is executing;* (Neches, col.8, line 36 – col.9, line 21)

    Neches teaches of *"the AMP should to Begin Transaction (BT) processing. The message may (and typically does) indicate other processing that should be performed by the AMP after successfully completing Begin Transaction processing"* (Neches, col.8, lines 42-46) and *"commences processing the subtask"* (Neches, col.8, line 59). Hence, Neches teaches of executing instructions or commands for the 'current subtask'.

- *and beginning processing of said second process only in response to a completion of processing of said first process.* (Neches, col.8, line 36 – col.9, line 21)

  Neches teaches of the first AMP can begin processing the next subset of tasks or subtask following completion of its first subtask. The AMPs will continue this process until there are no more subtasks to be processed and they will make themselves available for a subsequent task or transaction.

However, Neches does not explicitly disclose,

- *encapsulating said first one of said plurality of commands in a first process and encapsulating said second one of said plurality of commands in a second process;*

Blumenau teaches,

- *encapsulating said first one of said plurality of commands in a first process and encapsulating said second one of said plurality of commands in a second process;* (Blumenau, col.1, line 41 – col.2, line 34)

  Blumenau teaches of encapsulating a plurality of commands within a single command and executing them. Even though, Blumenau expressed that the encapsulations of plurality of commands within a command to be executed, it can be inferred that a single command can also be encapsulated within a command to be executed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Blumenau regarding encapsulating a plurality of commands within a single process and executing it with the teachings of Neches regarding sequentially processing subsets of tasks in an

environment of concurrent tasks to further clarify the Neches invention which implies of the inclusion of instructions within scheduled processes for execution.

5. With regard to *claims 3, 13, and 23*, Neches and Blumenau disclose,

- *further comprising the step of completing processing of said first process in response to a completion of execution of said first one of said plurality of commands.* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; Blumenau, col.1, line 41 – col.2, line 34)

6. With regard to *claims 4, 14, and 24*, Neches and Blumenau disclose,

- *further comprising the step of executing said second one of said plurality of commands in response to said beginning processing of said second process* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; Blumenau, col.1, line 41 – col.2, line 34)

7. With regard to *claims 5, 7, 15, 17, 25, and 27*, Neches and Blumenau disclose,

- *further comprising the step of determining whether said first process is currently executing.* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21) Neches teaches of *"at the completion of commit processing, the AMP tests for whether it is the last done, querying the other members of the dynamic group"* (Neches, col.9, lines 11-13).
- *wherein said step of determining whether said first process is currently executing further comprises the steps of:*

- *assigning a first process identifier to said first process; and* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21)
- *utilizing said first process identifier to determine whether said first process is currently executing.* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21)

8. With regard to *claims 6, 16, and 26*, Neches and Blumenau disclose,

- *wherein said step of determining whether said first process is currently executing further comprises the steps of:*
  - *establishing a return code variable; and* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)
  - *utilizing said return code variable to indicate whether said first process is currently executing.* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

9. With regard to *claims 8-9, 18-19, and 28-29*, Neches and Blumenau disclose,

- *further comprising the step of:*
  - *searching a process table for said first process identifier* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)
  - *determining that said first process is executing in response to locating said process identifier is said process table; and* (Neches, col.3, line 36 – col.4,

line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

- *determining that said first process is not executing in response to a failure to locate said process identifier in said process table* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

- *further comprises the steps of:*
  - *setting said return code variable equal to a first value while said first process is executing; and* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)
  - *setting said return code variable equal to a second value when said first process has completed executing.* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

10. With regard to *claims 10, 20, and 30*, Neches and Blumenau disclose,

- *further comprising the steps of:*
  - *establishing a timer for said first process;* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)
  - *starting said timer in response to executing said first process; and* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58)
  - *testing said return code variable to determine whether said return code variable is equal to said second value upon the expiration of said timer.*

(Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

11. With regard to *claims 31-33*, Neches and Blumenau disclose,

- *Wherein said first process and said second process are included in a script* (Neches, col.3, line 36 – col.4, line 40; col.8, line 36 – col.9, line 21; col.9, lines 46-58; Blumenau, col.1, line 41 – col.2, line 34)

Response to Arguments

12. Applicant's arguments with respect to *claims 2 and 6-10* have been considered and are persuasive, but are moot base on new grounds of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

December 12, 2005

Jason C. Cardone

Supervisory PE (AU2145)